IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 35989 of 2004(H)

PETITIONER:

M.J. WILLIAM ROBERT, JAYAVILASOM,
WEST OF S.N. THEATRE, THALAVADY,
AVALAKUNNU P.O., ALAPPUZHA DISTRICT.
(HEADMASTER(RTD), LM LPS, MUHAMMA, CHERTHALA).

BY ADV. SRI. B. RAGUNATHAN
SRI. G.S. MOHANDAS

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

2. **DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM-695014.**

3. **DISTRICT EDUCATIONAL OFFICER, ALAPPUZHA-688 001.**

4. **ASSISTANT EDUCATIONAL OFFICER, CHERTHALA, ALAPPUZHA-688 524.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35989/2004(H)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE ORDER DT. 17.9.93 OF 2ND RESPONDENT.**
EXT. P2	**:**	**COPY OF THE ORDER OF THE MANAGER DT. 21.1.94.**
EXT. P3	**:**	**COPY OF JUDGMENT DT. 4.12.02 IN OP NO. 16940 OF 1993-N.**
EXT. P4	**:**	**COPY OF THE REPRESENTATION DT. 19.3.03 ADDRESSED TO THE 4TH RESPONDENT.**
EXT. P5	**:**	**COPY OF THE REPRESENTATION DT. 25.3.03 TO THE 4TH RESPONDENT.**
EXT. P6	**:**	**COPY OF LETTER NO. D. 1231/03 DT. 16.7.03 OF THE 4TH RESPONDENT.**
EXT. P7	**:**	**COPY OF THE ORDER DT. 23.4.04 OF 2ND RESPONDENT.**
EXT. P8	**:**	**COPY OF THE REPRESENTATION DT. 25.6.04.**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH, J.

W.P.(C) NO. 35989 OF 2004

Dated this the 30th day of November, 2007.

J U D G M E N T

This writ petition is filed with the following prayer:

> i) Issue a writ of mandamus or other appropriate writ, direction or order directing the respondents to pay all the dues to the petitioner (DCRG, Salary in the post of HM from 1.7.94 to 30.4.95, arrears of salary from 1988, salary on account of pay-revision in 1992, increments in the post of HM with effect from 1.7.92 and full revised pensionary benefits) with 12% interest per annum with effect from 1.7.1995 till date of payment.

It is seen that the petitioner was the fourth respondent in Exhibit P3 judgment in O.P. No. 16940/1993. In the judgment dated 04.12.2002, this Court issued a direction to disburse the benefits due to the petitioner herein (fourth respondent therein) within a period of two months from the date of receipt of a copy of the judgment. Despite such a direction, it is submitted that nothing was paid. Therefore, the petitioner approached this Court by filing this writ petition.

2. On 23.02.2005, this Court issued an interim direction for disbursement of the DCRG. It is submitted that on 29.04.2005,

the petitioner was disbursed an amount of Rs. 35,625/- towards DCRG. The surviving grievance is with regard to interest. The petitioner retired from service on 30.04.1995. Atleast with effect from the date of expiry of the period fixed in Exhibit P3, DCRG should have been paid.

Therefore, in the interests of justice it is only proper that the petitioner is paid interest at the rate of 8% for the DCRG from 01.03.2003 to 29.04.2005. Ordered accordingly. The amount as above shall be paid within a period of two months from the date of production of a copy of this judgment. In case pay revision benefits have not been finalised, the same shall also be finalised within the above period.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp